

**3033. Misbranding of champagne cognac. U. S. v. 249 Cases Champagne Cognac. Decree of condemnation by consent. Product released on bond. (F. & D. Nos. 5027 to 5045, incl. S. No. 1687.)**

On February 10, 1913, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 249 cases of champagne cognac, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., consigned to A. B. Christie & Co., Boston, Mass., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "Bottled by Vve Robert & Cie, Cognac—S. S. France—B. New York—Vve Robert & Cie, Cognac—France." (On bottles) "Fine Champagne Cognac—Trade Mark."—(Design—in gilt color a barrel bearing a figure on top and stenciled on one end "Vve Robert & Cie, Cognac"; grape vines and clusters of grapes) "Vve Robert & Cie.—Cognac—France."

Misbranding of the product was alleged in the libel for the reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, abbreviations of words, and pictures: "Bottled by Vve Robert & Cie, Cognac, S. S. France," "Fine Champagne Cognac, Trade Mark," and a picture of a barrel prominently displayed thereon surrounded by pictures of grape vines and clusters of grapes, and the words "Bottled by Vve Robert & Cie," printed upon a capsule on each of the aforesaid packages, under which said capsule on each of said packages there appeared printed thereon three stars, all of which said statements, designs, and devices were false and misleading, because they would then and there lead the purchaser to believe that said food consisted of champagne cognac, whereas, in truth and in fact, it did not. Misbranding was alleged for the further reason that the product was labeled and branded, by reason of the words, abbreviation of words, and pictures set forth above, so as to deceive and mislead the purchaser into the belief that the food was a foreign product, whereas, in truth and in fact, it was not such a product. Misbranding was alleged for the further reason that said food, packages, and labels thereof bore certain statements, designs, and devices regarding the ingredients and the substances contained therein; that is to say, the words, abbreviations of words, and pictures appearing thereon set forth above, said statements, designs, and devices being false and misleading in a certain particular; that is to say, because they would lead the purchaser to believe that said food was champagne cognac and the product of a foreign country, whereas, in truth and in fact, said food was not a champagne cognac and was not a product of a foreign country.

On May 17, 1913, the A. Blum Jr.'s Sons, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the filing of a satisfactory bond in the sum of \$1,500 in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3034. Adulteration and misbranding of brandy. U. S. v. 3 Barrels of Brandy. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5047. S. No. 1689.)**

On February 15, 1913, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, purporting and representing to be brandy, remaining unsold in the original unbroken packages